

**FAIR PLAY
STRENGTHENING INTEGRITY
AND TRANSPARENCY IN CRICKET**

Transparency International is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, we raise awareness of the damaging effects of corruption and work with partners in government, business and civil society to develop and implement effective measures to tackle it.

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FOREWORD

Sport allows billions of people – be they professional athletes, supporters or amateurs playing for pleasure and health – to experience great emotion, to learn the value and importance of rules, and to develop respect for others. Those at the top of sport – heads of international federations as well as volunteer leaders at local clubs – have a duty to set high standards and lead with integrity, not least because of the enormous influence sport has in shaping social values.

Poor governance and corruption damage not only the image of sport, its federations and representatives but they compromise sport's ability to spread the value of fair play and integrity, especially to young people. The more money involved, the greater the risks. Today high profile sports, like cricket, have become multi-million dollar global businesses. They are also closely linked to betting, both legal and illegal, making them vulnerable to manipulation and a possible prey to organised crime. They are constantly in the spotlight, which magnifies both the good they can do and the bad. Too often these days, however, it is the scandals that make the headlines.

Cricket has a proud tradition as a by-word for fair play. But there is a danger this will be lost if the key problems it faces today – from match-fixing and spot fixing to questionable finances in independent leagues – are not addressed.

With this action plan Transparency International focuses on the most obvious and dangerous corruption risks posed by poor governance. It provides a road map of the essential actions that the International Cricket Council (ICC) can take to bring needed changes to cricket, step by step.

Our approach is to use the experience we have gained in 20 years fighting corruption and developing good governance principles for politics and business, and applying this to governance in sports organisations. We strongly believe that the ICC can play a significant role in setting the tone of how cricket should be run and have an impact on compelling its members to adhere to basic principles of good governance.

This report is offered by the Transparency International movement to the game's leaders, administrators, players and supporters worldwide. We hope it will stimulate debate and change.

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INTRODUCTION

In the *2001 Report on Corruption in International Cricket*, known as The Condon Report, the International Cricket Council (ICC) recognised that poor governance and corruption not only damage the image of the game, its federations and representatives, but compromises the positive influence that sport has in spreading the values of good sportsmanship and integrity, especially on young people. Since then there have been significant developments in the global understanding and awareness of the impacts of corruption, as well as the national and international legal frameworks for tackling the problem in both the public and private sectors.

In particular, the 2003 United Nations Convention against Corruption (UNCAC), which virtually all ICC member countries have ratified, provides a legally binding global instrument for preventing and reducing corruption. There have been new anti-bribery laws in several countries, bringing them into compliance with the 1997 OECD Anti-Bribery Convention that requires members to criminalise bribery of foreign public officials¹.

In politics and business, money and power have the potential to corrupt even people with the purest values and the best intentions. The same is true in sport, which is why international bodies and governments are focusing their attention on how to improve governance in all areas related to sport².

The history of cricket, much like the history of any sport that started local and ended up global, shows clearly how management structures have not kept pace with the growth in popularity and/or the professionalism that is now part of sport. We see that in football, where FIFA is struggling to reform its own operations and those of its regional confederations. We see this in smaller sports, such as wrestling and cycling.

In the past three decades, cricket has expanded its popularity and influence, attracting both power and money. This has given new opportunities for the sport but has also heightened existing corruption risks and presented new challenges that threaten cricket's integrity and reputation. From Kerry Packer's World Series Cricket to the Indian Premier League, there has been a delicate balance of power between test-playing nations, national identities and commercial interests. The ICC currently has three classes of membership: 10 full members, 34 associate member countries, and 60 affiliate members. It is currently only accountable to its 10 full members, as they provide its funding. This particular governance structure means that even without the additional challenges of corruption in a fast-developing game, the ICC faces significant governance challenges to maintain equity and integrity.

¹ A recent example is the 2010 UK Bribery Act.

² The World Sport Ministers Conference MINEPS V declaration in Berlin in May 2013 called for integrity in sport; the United Nations guidelines for anti-corruption in major events will be published in November 2013; and the United Nations Global Compact will publish guidelines on anti-corruption in sport-sponsorship and sport-related hospitality in December 2013.

Transparency International welcomes and acknowledges the attention that cricket's governing body has paid to corruption and to ethical standards in cricket over the past decade. Criminal investigations in several countries during the late 1990s, for example in India and South Africa, have helped to shine a spotlight on corruption associated with gambling. Transparency International particularly welcomes the ICC's 'zero tolerance' policy to corruption.

The decision to commission the reports by Lord Woolf and Bertrand de Speville³ shows that the ICC acknowledges that reforms are necessary. The Woolf Report in particular produced a large number of recommendations to improve the way cricket is run. The temptation when faced with so much advice is to delay consideration and analysis. Transparency International, in this report, is focusing on the corruption risks posed by poor governance and suggests a plan of action in relation to priority recommendations on governance that should be implemented immediately.

Corruption risks

Cricket operates in a fast-changing global landscape, which includes the national cricket boards of the big cricketing nations, the smaller cricketing countries and their governing bodies, and the new private leagues, such as the Indian Premier League. Add to this the greater muscle being exercised by sponsors, a thriving cricket media, and increasingly vocal players and supporters and the cricket scene in 2013 is a very different world from just a decade ago.

In Transparency International's view, cricket needs greater transparency and accountability throughout all operations. In practice this requires transparent governance structures, policies, and procedures and a commitment from the top to adhere to these policies. It also means committing to monitoring that these work effectively.

In Transparency International's view, cricket needs greater transparency and accountability throughout all operations

Each sector and each sport have their own particular areas of corruption risks, which require specific and appropriate responses. Match and spot-fixing, though the most high profile areas of corruption associated with the game, are only one of many corruption risks faced by cricket. Indeed, while the strong focus on match-fixing is necessary, this should not divert attention from other fundamental problems, the most important of which is governance. Other risks include conflicts of interest, trading in influence and insider information, cronyism and nepotism. All these can affect:

- the sale of television rights
- venue and hosting rights
- sponsorship and hospitality
- remuneration and bonuses
- payments to officials
- ticket sales and distribution
- procurement
- the role of agents and intermediaries, and
- Governing Board elections.

³ Bertrand de Speville Report – *A Review of the Anti-Corruption Arrangements of the ICC 2011/12*
Lord Woolf and PricewaterhouseCoopers LLP – *An independent governance review of the International Cricket Council 2013*

Everyone involved in the game can be a target for inducements: players, umpires, officials, administrators, sponsors, government officials, intermediaries such as players' agents and commercial agents for television rights, and companies involved in providing services or infrastructure. That is why it is so important to have transparent and accountable governance structures for those who administer cricketing operations at both the international and national level.

Transparency is a first line of defence against corruption. By operating transparently, organisations communicate their values and policies to the people they represent, to their stakeholders and to the public. Not only do open policies and processes enhance an organisation's reputation, they also deter corruption. We acknowledge that change needs time. A step-by-step approach has to be developed taking into account the different cultural, political and juridical situations all over the world. This report prioritises areas of urgent action.

In our view, governance reform must be a collaborative effort that includes crickets' top officials and top management, and has the explicit support of all national federations, clubs, sponsors, governments and civil society. This challenge can only be undertaken if all levels of crickets' leadership are clearly committed to reform of the overall governance structures. That involves an acceptance of accountability and transparency, backed up by a clear plan to institutionalise detailed procedures for dealing with corruption. It is here that the ICC can take a strong lead.

The role of the International Cricket Council

The ICC's statutes give it responsibility for the organisation and governance of cricket's major international tournaments and the power "to administer, develop, co-ordinate, regulate and promote the game of cricket world-wide in co-operation with its Members". It appoints the umpires and referees who officiate at all sanctioned matches for all forms of the game. It sets professional standards of discipline for international cricket, and also co-ordinates action against corruption and match-fixing through its Anti-Corruption and Security Unit (ACSU).

Although the ICC is sometimes accused of being powerless in relation to national cricket boards, the ICC can impose standards. It has influence over which countries are accredited, which can participate in tournaments, and how revenues are shared. It also has an anti-corruption unit that could be deployed more widely to investigate corruption in the game.

An expanded role for the ICC could provide a strategic approach to the game's development and help provide a global approach to addressing issues of governance and the prevention of corruption. In laying claim for what might be perceived as an expanded remit, however, the ICC must improve its own standards of governance, transparency and accountability. There are three key areas where the ICC could immediately adopt best practice principles, based around transparency, and lead by example. The ICC should:

- publish the minutes/decisions of Board and committee meetings
- publish information about its anti-corruption programmes and procedures
- increase the independence of the Board and committees, by achieving a balance of representation, in particularly by introducing independent non-executive directors⁴

⁴ Lord Wolfe and PricewaterhouseCoopers LLP shared this view in *An independent governance review of the International Cricket Council 2013*

Domestic governance and transparency: national cricket bodies and federations

Cricket requires a strategy to introduce good governance standards among its national boards in order to ensure that all aspects of corruption surrounding the game are reduced or eliminated. The ICC can play an important role in creating a good-practice governance template for its members.

The governance and transparency of ICC member countries' own national and other cricket governing bodies is of varying quality. Accountability is generally poor. This creates an environment in which corruption is able to take place, and in some places thrive, and in which there is little example or leadership to help players to resist approaches for match-fixing. It is notable that some domestic bodies have a close relationship with their host governments, such that decisions can be taken in the interests of politics and not of cricket. There are cases of cronyism, patronage and conflict of interest.

The ICC could make membership contingent on national cricket boards meeting a set of universal standards. The ICC should publish what constitutes best practice for a national cricket board and each national board should aspire to follow this and state whether it intends to meet this aspiration and within what timeframe.

Combatting the threat to players and officials

Much of the focus on combatting corruption in cricket has been in the area of match-fixing⁵ involving players and officials. It is important that this continues to be a priority. Transparency International considers it vital that if a message of zero tolerance for corruption is going to be taken seriously by players and officials, the managers, administrators and leaders of the game operate to the highest standards of ethics and integrity. These principles must be communicated from the top down.

The ICC has made significant efforts to combat corruption among players, principally by setting up an Anti-Corruption and Security Unit in 2000. The ICC should publish the precise procedures that it uses for raising awareness, as well as sensitising, mentoring and training players and match officials and other officials. This can act as a model for other boards and allow external stakeholders to assess the work the ICC is doing in this area. Such transparency is increasingly seen and expected of the world's leading companies as we have shown in our recent report on Transparency in Corporate Reporting.⁶

Currently domestic authorities publish little or no information about this aspect of their anti-corruption work. It is by publishing information about anti-corruption programmes that authorities can underscore how important they are. There may be good reasons to keep aspects of player training and awareness-raising confidential, but at minimum the relevant authorities should publish enough detail to allow their stakeholders to form a view about the anti-corruption training. This could include, for example, the proportion of domestic and international cricketers who have been trained, the length and frequency of training sessions, the qualifications of those delivering the training, and the feedback from the participants.

It is also important to note that training players to resist or reject a bribe is only part of a process that

⁵ This generic term is used to encompass spot-fixing and other related on-field activities.

⁶ *Transparency in Corporate Reporting*, Transparency International, Berlin, 2012. See: www.transparency.org/whatwedo/pub/transparency_in_corporate_reporting_assessing_the_worlds_largest_companies

should also include on-going training on how to avoid getting into a situation in which a bribe may be offered.

The ICC should publish all information about anti-corruption training that it offers or is offered by national boards and whether at the end of a player's career there is training in areas such as handling conflicts of interest when contributing to the media, or who would administer such training schemes.

A coordinated effort between the ICC and the national boards would give a clearer picture of the type, extent and effectiveness of match-fixing training that is delivered across the game globally.

The role of private organisations and tournaments

The increasing popularity and increase in numbers of private cricket tournaments pose specific risks to the integrity of the game. Tournaments such as the Indian Premier League and the collapsed Stanford Super Series have seen a dramatic increase in revenues and player wages (for example, the players of the winning team of the Stanford Super Series received US\$20 million in prize money). This has gone hand-in-hand with the emergence of 'freelance' players, who are not subject to any governance, reporting or training structure.

The ICC should set clear international standards for how these players and tournaments are regulated to counter the high risk for corruption they pose. For example, where players have "retired from international cricket" and are no longer under the jurisdiction of their national board, they should be recognised as "ICC Players, under the jurisdiction of the ICC and subject to regulation/supervision of the ICC". This would increase the influence and authority of the ICC, as well as restore trust in the integrity of private tournaments.

Putting anti-corruption policies into practice

The following action plan itemises what Transparency International believes could form a solid framework for improving governance and establishing best practice anti-bribery and anti-corruption policies and processes in cricket. Introducing these policies and procedures would help the ICC establish a step-by-step programme for better governance in its own organisation and in its members' organisations.

1. Governance policies

There should be a clear tone from the top reflecting a zero tolerance for corruption at all levels.

The ICC should strengthen its code of ethics/conduct by making specific references to anti-bribery and corruption that are designed to take into account a full range of corruption risks, including conflicts of interest, cronyism and trading in influence.⁷

There should be an independent assessment that specifically identifies the corruption risks facing the game at national and international levels, and the impact these risks may have on the integrity and reputation of cricket.

⁷ The current ICC code of ethics should be enhanced to include the anti-corruption information that is currently lacking and be more specific on areas such as conflict of interest, not just among directors.

There should be a commitment to financial transparency that includes the publication of annual accounts in sufficient detail to identify the sources of revenues and expenditures.

2. Conflict of interest

The ICC should create registers of interests and introduce safeguards against conflicts of interest for all senior staff/officials, and not simply encourage directors to contact the ethics officer as is now the case.

There should also be a register of all agents/intermediaries and their interests, including those involved in procurement and organising large events.

3. Due diligence

The ICC should enhance its due diligence in respect to all agents and intermediaries. There should be clear guidelines for due diligence checks on all members of syndicates/franchises who own/manage teams in competitions to be sanctioned by ICC and/or national cricket boards.

Private promoters and associated competitions must be subject to oversight of the relevant national board so that all tournaments fall under the purview of ICC with appropriate measures in place to scrutinise the ownership structures, financial arrangements and tournament design to safeguard the integrity and reputation of the game.

4. Whistleblower protection

The ICC should publish and make widely available whistleblowing procedures that are confidential and accessible to all the game's stakeholders.

There should also be adequate resources for anti-corruption investigations and enforcement of sanctions by the ICC and member countries.

5. Monitoring and reporting

Reporting is a key aspect in combating corruption. Information about what is being achieved to combat corruption in cricket is very limited. Reporting enables stakeholders to gauge progress and can change perceptions and personal attitudes of the participants in the game. Reporting also creates the perception that the sport's governing bodies are in control.

The ICC and national boards should report annually on anti-corruption policies and their implementation, as well as on any bribery allegations and the actions taken in response. The ICC and national boards should greatly increase the information available on their websites about the approach taken to governance and corruption. All policies and procedures should be widely available for review unless there is a legitimate reason for confidentiality.

Responsibility for monitoring should be allocated to senior persons or an independent audit committee to oversee the process. Regular monitoring reports should go to the ICC and national cricket boards and a multi-stakeholder group. In cases of severe lack of credibility/reputational damage, the ICC should employ independent assessors to report on the effectiveness of the anti-corruption efforts. The implementation and monitoring process can be supported by multi-stakeholder groups.

6. The Anti-corruption and Security Unit

Cricket needs a dedicated anti-corruption unit that seeks to emulate the type of risk analysis, avoidance mechanisms and training that are typically found in leading businesses. We suggest separating the functions of the current Anti-corruption and Security Unit. The ICC is the obvious home for such a body and can help to build similar units in the structures of national federations.

In the corruption sphere, a remit should be negotiated to operate at domestic level as well as international, to safeguard the game's integrity.

7. Communication and training

The ICC should make communications and training on anti-corruption programmes, including the code of ethics/conduct, mandatory for all of its staff and officials and as far as possible for national federations and cricket boards. This would include all ICC and national boards' employees, volunteers, umpires and officials, players and players' agents and sponsors. The ICC should publish and disseminate⁸:

- training modules, including when appropriate e-learning
- information about advice and whistleblower hotlines
- information about the sanctions and appeals process.

⁸ Training material is referenced in the ICC Anti-Corruption Code for Participants but not described or made available.

CONCLUSION

Transparency International welcomes and acknowledges the attention that the ICC and others have paid to anti-corruption and ethical standards. However, action is needed to understand and address the changing nature of the corruption risks that face the game of cricket in the 21st century.

The game as a whole must widen the focus of its response to corruption risks to encompass the larger challenges, beyond match-fixing. This will require the game's main governing body, the ICC, to be more accountable and transparent itself and to take more responsibility for standard-setting for the cricket boards of member countries.

Cricket should follow international good practice in the sphere of governance, including transparency, accountability and anti-corruption measures. The policies and procedures listed here could be introduced within a reasonable timeframe to send a clear signal that the ICC not only talks about reform but has an action plan. Opening its board to independent non-executive directors immediately would send a strong signal that the ICC is committed to improving governance and transparency in the game.

The ICC should also publish timely reports on the progress made in implementing the recommendations put forward in both the Woolf and the de Speville reports.

Cricket is an increasingly popular game with a global fan base. Like other popular sports, it is a role model for youth everywhere and few organisations or activities have such an opportunity for delivering a message of fair play, integrity and respect for the rule of law. This is particularly true given cricket's popularity in many countries that are struggling with poor records in fighting corruption, including India, Pakistan, Bangladesh, South Africa and Sri Lanka, as evidenced by their low scores on Transparency International's Corruption Perceptions Index.

A strong governance structure at the ICC and the global promotion of a best practice template that explicitly rejects bribery and corruption will help educate all of cricket's participants and compel officials, management, employees, volunteers and players to implement a concrete anti-corruption programme. This will send a strong message to the cricketing and sporting world.

